

FEB 16 1996

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 239 540 320)

Mr. James Berzina
City Manager
City of Wichita Falls
P.O. Box 1431
Wichita Falls, TX 76307

Re: Administrative Order Docket No. VI-96-1205
NPDES Permit No. TX0047686

Dear Mr. Berzina:

1 - Permit/CD
2 - AO & AO mat
3 - DWR's
4 - Vic. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Data Filed
Client's Initials

Recent review of your NPDES file, indicates that your facility is not in compliance with your NPDES permit and/or the Clean Water Act (CWA). In order to ensure continued protection of public health and the environment, the Environmental Protection Agency (EPA) must take necessary steps to ensure compliance with applicable regulations and statutes.

Pursuant to the CWA (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order (AO) sets forth the findings of fact and how you violated the Act. The Order also provides a mechanism for resolving these violations. All responses and reports required by the Order, should be submitted within the time frames provided. In all responses, please reference Docket No. VI-96-1205 and your NPDES permit number, and send correspondence to the attention of Ms. Terry D. Lane (6EN-WC). This Order replaces Administrative Order Docket No. VI-94-1201, which is hereby closed.

The violations cited in the attached Order, should be corrected within a reasonable time period. Our staff will assist you in any way possible, to ensure that your facility returns to compliance.

As part of the enforcement process, EPA is authorized to require corrective action and, possibly, assess appropriate penalties. If penalties are assessed, the Agency will consider a number of factors, including the nature and magnitude of the violations, the period of noncompliance and the impact of the violations on human health, or the environment. By statute, the penalties assessed can be as much as \$25,000 per day. In order to avoid any such action, or to minimize the amount of penalties you may be assessed if further action is warranted, noncompliance should be corrected as soon as possible.

CONCURRENCES: 6EN-WT: NSMITH: x6466: AO: MMC-13a: 12/5/95: 0000

6EN-WT	6EN-W	6EN-T		
GRAHAM	MURPHY	BENTON		

12/11

11/19/96

11/11/96

-2-

Your cooperation and prompt attention will be appreciated.
If you have any questions, please contact Mr. Nelson F. Smith,
P.E., EPA, Dallas, Texas at (214) 665-6466.

Sincerely yours,



Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

Enclosure

cc: Mr. Wayne Wiley, Section Chief
Enforcement Watershed Management Division
Texas Natural Resource Conservation Commission

bcc: Black (6XA)
Whitten-Hill (6EN-WC)
R. File (6EN-W)
Gigger (6EN-ASH)
Smith (6EN-Wr)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-96-1205
	§	
CITY OF WICHITA FALLS	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)]	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. TX00047686	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Compliance Assurance and Enforcement Division, Region 6.

I.

The city of Wichita Falls (hereinafter the Permittee) is a municipality duly incorporated under the laws of the State of Texas and located in Wichita County, the mailing address for which is P.O. Box 1431, Wichita Falls, Texas 76307.

II.

Pursuant to the authority of Section 402(a)(1) of the Act 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. TX0047686 to the Permittee on September 11, 1992, with an effective date of October 12, 1992. The permit authorizes the discharge of specified qualities and quantities of effluent to the Wichita River below Diversion Lake in Segment No. 0214 of the Red River

Basin. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

PERMIT FINDINGS

Part III.B.4.C of Permit No. TX0047686 prohibits the bypass or diversion of wastes from any portion of the treatment facilities unless bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; or there was no feasible alternative to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.

IV.

FINDINGS OF FACT

Section 301(a) of the Act, 33 U.S.C. § 1311(a) prohibits the discharge of any pollutant into the waters of the United States except insofar as such discharge is regulated by a permit issued pursuant to Section 402 of the Clean Water Act.

Pursuant to Section 309(a)(3) of the Act, the EPA issued Administrative Order Docket No. VI-94-1201 to the Permittee on December 6, 1993. The Order required the submittal of an acceptable compliance plan which would provide for elimination of bypass/overflows of its collection system. An acceptable compliance schedule was received by submittal dated September 1, 1995.

v.

FINDINGS OF VIOLATION

Based on information provided by EPA, and the Permittee, the Regional Administrator, through the Director of the Compliance Assurance and Enforcement Division, finds that, the Permittee cannot comply with the bypass/overflow requirements of their NPDES Permit, and Section 301(a) of the Act.

Violations of Part III.B.4.c of the permit and
section 301(a) of the Clean Water Act:

<u>Date</u>	<u>Location of Bypass/Overflow</u>	<u>Estimated Volume</u>
2/26/95	5121 Tower	200 gallons
2/22/95	4540 Barnett	500 gallons
2/18/95	1602 Osage	100 gallons
2/18/95	4005 Seymour Highway	1000 gallons
2/16/95	5570 Professional Drive	50 gallons
12/31/94	4702 Northshore	400 gallons
12/31/94	Lindale and Cascade	500 gallons
12/30/94	1717 Midwestern Parkway	500 gallons
12/29/94	6719 General Custer Drive	500 gallons
12/20/94	2400 Kemp Blvd.	100 gallons
12/19/94	Nunnley Place	100 gallons
12/16/94	University and Southwest	100 gallons
12/11/94	3135 Ninth	200 gallons
12/10/94	4561 University	200 gallons
12/8/94	1524 Chirstine	1000 gallons
11/27/94	2410 Talunax	100 gallons
11/27/94	2704 Avenue L	100 gallons
11/22/94	1700 Beverly	100 gallons
11/21/94	Pearlie and JoAnn	250 gallons
11/18/94	Avenue M and Monroe	200 gallons
11/18/94	4641 Stanford	500 gallons
11/11/94	2901 Sturdevant	100 gallons
11/10/94	Florist and Easy	150 gallons
11/8/94	1520 Red Fox	100 gallons
11/7/94	3217 Milby	100 gallons

11/7/94	4039 Burkburnett	100 gallons
11/5/94	1922 Pawhuska	200 gallons
11/5/94	4027 Burkburnett	50 gallons
11/2/94	JoAnn and Catherine	100 gallons
11/1/94	4803 Briarcliff	25 gallons

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Compliance Assurance and Enforcement Division, Region 6, it is ordered:

A. That the Permittee comply with the following schedule for collection system rehabilitation and expansion:

ACTIVITY

COMPLETION DATE

Collection System Rehabilitation and Cleaning Program

Docket No. VI-96-1205
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E. That the Permittee shall eliminate bypasses/overflows of its collection system by January 1, 2006.

F. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the Permittee.

DATED: This FEB 16 1996 day of _____, 1996.

Barbara Greengard
Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

<u>ACTIVITY</u>	<u>COMPLETION DATE</u>
<u>Collection System Rehabilitation and Cleaning Program</u>	
Phase 1 Rehabilitation	March 1, 1997
Phase 2 Rehabilitation	March 1, 1998
4-Year Cleaning Cycle	January 1, 1999
Phase 3 Rehabilitation	October 1, 1999
<u>Collection System Expansion</u>	
Southwest Interceptor Relief	January 1, 1997
Arizona Trunk Main	April 1, 1997
✓Southmoor Interceptor Relief	September 1, 2001
Sixth Street Trunk Main	March 1, 2003
Iowa Park Road Interceptor	September 1, 2004
✓North Basin Interceptor	January 1, 2006

- B. That the Permittee report compliance or noncompliance with the requirements of (A) above, no later than fourteen (14) calendar days following the date of a specific action.
- C. That the Permittee shall submit construction progress reports semi-annually on the fifteenth day of the months of January and July until all required work has been completed.
- D. That the Permittee shall notify EPA immediately of any change or circumstance that may jeopardize compliance with the requirements of the this order.